

1 SHEPPARD MULLIN RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
CHARLES S. DONOVAN, Cal. Bar No. 103667
3 BRIAN R. BLACKMAN, Cal. Bar No. 196996
ELISE SARA, Cal. Bar. No. 253813
4 Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
5 Telephone: 415-434-9100
Facsimile: 415-434-3947
6 Email: cdonovan@sheppardmullin.com

7 Attorneys for Petitioner
SONY ERICSSON MOBILE
8 COMMUNICATIONS AB

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 SONY ERICSSON MOBILE
COMMUNICATIONS AB,
13
14 Petitioner,

15 v.

16 DELTA ELECTRONICS (THAILAND)
PUBLIC COMPANY LIMITED, also
known as, "DELTA ELECTRONICS
17 PUBLIC COMPANY LIMITED
(THAILAND),"

18 Respondent.
19

Case No. 3:09-CV-01326 MMC

**TEMPORARY RESTRAINING
ORDER ~~AND ORDER TO SHOW~~
~~CAUSE~~**

21 UPON APPLICATION of Petitioner, Sony Ericsson Mobile
22 Communications AB ("Sony Ericsson"), for issuance of a temporary restraining order pending
23 ~~LET PETITIONER SHOW CAUSE before the Honorable Maxine Chesney,~~
24 ~~United States District Judge, at 450 Golden Gate Avenue, San Francisco, California on the~~
25 ~~_____ day of April, 2009, at _____: (1) why an Order attaching the assets of Delta~~
26 ~~Electronics (Thailand) Public Company Limited ("Delta") in the State of California up to~~
27 ~~\$4,287,555.93 should not be entered; (2) why judgment should not be entered on the~~
28 the Court's determination of Petitioner's Application for a Writ of Attachment

1 ~~arbitration award dated June 30, 2008 (the "Award"), in favor of Sony Ericsson and~~
2 ~~against Delta; and (3) granting Petitioner attorney's fees and costs of this proceeding.~~

3 ~~IT IS FURTHER ORDERED that any answering papers be served upon~~
4 ~~counsel for Sony Ericsson, no later than April __, 2009.~~

5 and IT appearing that immediate and irreparable injury, loss or damage would
6 result to the Petitioner ~~before notice can be served and a hearing had~~ if Respondent Delta is
7 allowed to instruct garnishees to distribute or otherwise transfer the sum ~~sought, it is~~ sought before the
Court has had the opportunity to rule on the application for a writ of attachment, it is

8 ORDERED:

9 1. Pending the hearing and determination of ~~this motion~~ the application,
10 Bank of America, Citibank, Deutsche Bank, HSBC USA Bank NA, JPMorgan Chase
11 Bank, Standard Chartered Bank, and The Bank of New York, (the "Garnishees") be and
12 hereby are enjoined and restrained from distributing or otherwise transferring up to the
13 sum of \$4,287,555.93, held by one or more of the Garnishees for the benefit of Delta;

14 2. To the extent any garnishee holds funds restrained by an order issued
15 by the United States District Court for the Southern District of New York in "Sony
16 Ericsson Mobile Communications AB, Petitioner v. Delta Electronics Public Company
17 Limited (Thailand), Respondent," Case No. 09-00995, those funds shall count against the
18 amount restrained under the preceding paragraph but shall also be subject to this
19 restraining order;

20 3. An agent of Petitioner's counsel be and is hereby appointed, in
21 addition to the United States Marshal, to serve this Temporary Restraining Order and the
22 Verified Petition, and any interrogatories, upon the Garnishee(s), together with any other
23 garnishee(s) who (based upon information developed subsequently by Petitioner) may hold
24 assets of, for, or on behalf of the Respondent;


United States District Judge